HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.18339 OF 1996

DATE:07.02.2007

Between:
Mullu Mangamma

..... PETITIONER

AND

The Branch Manager, Andhra Bank,
Veeraghattam Branch,
Veeraghattam PO, Srikakulam & another.

.....RESPONDENTS

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.18339 OF 1996

ORDER:

This Writ Petition is filed questioning the action of respondents (i) in not allowing the petitioner to resume her duty (ii) in not paying the salary on par with the similar employees in the permanent cadre employed in other branches on the principle of equal pay equal work (iii) in not paying the salary during the period of maternity leave i.e., from 15.2.1996 to 25.3.1996 and from 26.3.1996 onwards and to consequently direct the respondents (a) to regularize the services of the petitioner (b) to pay the salary on par with the similar employees in the permanent cadre employed in other branches on the principle of equal pay equal work.

Counsel for the petitioner is not present when the case is called. Sri K. Laxmi Narasimha, learned standing counsel for Andhra Bank made his submissions.

From the averments contained in the affidavit, it appears that the petitioner, who claimed to be appointed into service on 5.9.1991 on compassionate grounds as part time sweeper consequent on the death of one of her aunts by name Smt. M. Chittemma, applied for maternity leave from 14.2.1996. The petitioner claims that the first respondent received her leave application on 14.2.1996 itself and on her enquiries, she was told that her leave letter was sent to second respondent. The petitioner further averred that after delivery of her baby, when she went with joining report to the first respondent on 26.3.1996, she was not allowed to resume duty without any reason. This has prompted the petitioner to file the

present Writ Petition for the aforementioned reliefs.

On behalf of the respondents, Deputy Chief Officer of Andhra Bank filed a counter affidavit in which, the fact that the petitioner was appointed as part time sweeper on 5.9.1991 was admitted, but however, the claim of the petitioner that she was appointed under dependant's quota under compassionate appointment was denied. It was averred that the petitioner's services were utilized by the branch as a part time sweeper purely on casual basis and she was paid the wages for the days she had worked. The claim that the petitioner was engaged as part time sweeper on regular basis was also denied. The deponent to the counter affidavit also denied the claim of the petitioner that she applied for maternity leave. It is further stated in the counter affidavit that due to the frequent absence of the petitioner, which caused inconvenience to the branch, a notice was issued on 19.1.1996 wherein it was stated that as the petitioner's engagement was purely on casual basis, if she continues to abstain from duty for longer period, the branch would not be in a position to make her any payments and that alternative arrangements would be made for getting the work done. It is also mentioned in the counter affidavit that since the petitioner was engaged purely on casual basis, she is not entitled for any kind of leave much less maternity leave. Receipt of letter dated 14.2.1996 was also denied in the counter affidavit. It is further averred that in view of the frequent unauthorized absence of the petitioner, the first respondent was forced to make alternative arrangement by engaging another sweeper on

casual basis and that when the petitioner attended the branch office on 7.2.1996, she was informed by the Manager of the branch that in view of the alternative arrangement made, her services were no longer required.

The petitioner has not filed any reply affidavit denying the contents contained in the counter affidavit.

From the pleadings as recorded above, it is clear that the petitioner was engaged only on casual basis and on her own showing, she has not attended the duties from 15.2.1996 to 26.3.1996. The petitioner failed to substantiate the allegation that she has sent an application for maternity leave or that under the service rules of the respondents, she is entitled to sanction of maternity leave. It is therefore reasonable to presume that the petitioner unauthorisedly absented herself between 15.2.1996 and 26.3.1996, which evidently forced the respondents to make alternative arrangement by engaging another person as a part time sweeper.

Having regard to the aforementioned facts, the petitioner failed to make out that any of her legal rights have been violated by the respondents and that she is entitled to any of the reliefs sought for in the Writ Petition.

For the aforesaid reasons mentioned, the Writ Petition fails and is accordingly dismissed. No costs.

C.V.NAGARJUNA REDDY, J.

07th FEBRUARY, 2007.
Tsr